



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Atty Kruthers, Heather (for the Public Guardian/current conservator of the estate)

(1) Third Account and Report of Conservator and (2) Petition for Fees

Age: 77 years	
Cont. from 102511, 120611, 012412, 030812, 050712, 061812, 072312, 082712, 102512, 112912, 012513	
Aff.Sub.Wit.	
✓ Verified	
Inventory	
PTC	
Not.Cred.	
✓ Notice of Hrg	
✓ Aff.Mail	W/
Aff.Pub.	
Sp.Ntc.	
Pers.Serv.	
Conf. Screen	
Letters	
Duties/Supp	
Objections	
Video Receipt	
CI Report	
✓ 2620(c)	
Order	X
Aff. Posting	
Status Rpt	
UCC/JEA	
Citation	
FTB Notice	

CONNIE RANA, former Conservator, is petitioner.	
Account period: 1/8/08 – 12/31/09	
Accounting -	\$782,889.76
Beginning POH-	\$642,039.07
Ending POH -	\$496,754.10
Conservator -	waives
Attorney -	\$4,187.50 (per itemization and declaration, 16.75 hours at \$250.00 per hour)
Current bond: \$800,000.00	
Petitioner prays for an Order:	
1. Settling and allowing the third account and report and approving and confirming the acts of petitioner as filed;	
2. Authorizing Petitioner to pay her attorney the sum of \$4,187.50 for ordinary legal services provided to the conservator and the estate during the period of the account.	

NEEDS/PROBLEMS/COMMENTS:	
Continued from 1/25/13.	
Note: Attorney Steven Shahbazian substituted out as attorney of record on 1/8/13	
Note: Petitioner, Connie Rana, was removed as Conservator of the Estate and the Public Guardian was appointed by Minute Order dated 6/18/12.	
1. Need Order	
Please see additional page	
Reviewed by: KT	
Reviewed on: 3/21/13	
Updates:	
Recommendation:	
File 1A - Parks	

2. **Disbursement schedule shows payments bi-monthly of \$2,700 to Rana and Rana for rent. The court may require clarification regarding these rent payments and whether or not Rana and Rana has any relationship to the conservator. California Rules of Court 7.1059(a)(4) states the conservator must not engage his or her family members to provide services to the conservatee for a profit of fee when other alternatives are available. Where family members do provide services, their relationship must be fully disclosed to the court and their terms of engagement must be in the best interest of the conservatee compared with the terms available from other independent service providers.** – Declaration of Conservator filed on 11/30/11 states the rental property is owned by the conservator and her husband; however, the sub-market rent is not sufficient to pay the mortgage, property taxes, insurance, and maintenance costs for the property. Conservator states she and her husband do not make any profit from the conservatee's tenancy.
3. **Disbursement schedule shows several months where it appears the conservatorship is paying the cell phone of the live in care provider Sandra Martin. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states the cell phone payments for Sandra Martin, live in care provider, because the care provider would often take the conservatee to various places and therefore, it was required that the care provider have a cell phone. Because it was a requirement for this care provider, it was agreed that the conservatorship would pay the costs.
4. **Disbursement schedule shows several months where there are two payments per month for Las Vegas Valley Water (utilities), Pesky Pete's Pest control, Embarq (phone), Cox Enterprises (cable service), Southwest Gas (utilities), Republic Service (trash), Nevada Power (utilities). It appears the conservatorship may be paying for more than just the conservatee's expenses. Court may require clarification.** – Declaration of Conservator filed on 11/30/11 states some payment were made, on behalf of the care providers, as part of the "barter" agreement between the care providers and the conservator. The various utilities or cable services expenses would be paid, on occasion, for the conservatee at her residence and on occasion as the "barter" for services by a care provider.
5. **Disbursement schedule shows items purchased that should be included on the property on hand schedule such as:**
 - a. **3/11/08 – TV Surround + patio furniture for \$1,723.65**
 - b. **4/22/08 – Washer and dryer for \$1,578.90**
 - c. **12/22/09 – firmer sofa (?) for \$2,196.19** – Declaration of Conservator filed on 11/30/11 states the purchases were necessary. (**Note:** The Examiner does not question whether not the purchases were necessary but that they are not listed on the property on hand schedule as required.).
6. **Disbursement schedule shows gifts of cash on 12/28/09 to the conservatee's great nephews, Josh Rana - \$250.00 and Jacob Rana - \$200.00. California Rules of Court, Rule 7.1059(b)(3) states the conservator must refrain from making loans or gifts of estate property, except as authorized by the court after full disclosure.** – Declaration of Conservator filed on 11/30/11 states the cash gifts are minimal reflections of the conservatee's affection for her great nephews.

Please see additional page

1A (additional page 2 of 5) Darleen Joyce Parks (CONS/PE) Case No. 03CEPR01192

7. Disbursement schedule shows payments identified as Summerlin Dues (without stating the nature and purpose of the payment) as follows:

- **4/15/08 - \$271.00**
- **4/15/08 - \$271.00**
- **8/26/08 - \$271.00**
- **8/26/08 - \$271.00** - Declaration of Conservator filed on 11/30/11 states Summerlin is the name of the large planned development where the Conservatee (and conservator and her husband) reside. Because of the lower rental payments Conservator states she has paid (quarterly) the Summerlin assessment for the rental house. The four assessment payments are the only ones paid and the conservatorship has not been further charged for these homeowner assessments.

8. Disbursement schedule shows a disbursement for "Home Warranty" in the amount of \$313.95 on 5/27/09. Court may require explanation as to why the conservatorship is paying for home warranty when renting (see item #2 above). - Declaration of Conservator filed on 11/30/11 states this is a 50-50 split for payment on the home warranty for the rental house.

9. This conservatorship was established in 2003. Property on hand schedule from the 2nd account ending on 12/31/2007 shows promissory notes (all apparently established during the 2nd account period) as follows:

- **\$38,000 dated 6/27/05 from Aaron Wallace secured by a Deed of Trust with interest at 16% per annum**
- **\$252,000.00 dated 7/19/05 from Aaron Wallace secured by a Deed of Trust with interest at 13% per annum.**
- **\$60,000.00 dated 10/11/05 from John P. Rana and Kea Rana with interest at 4% per annum. (It appears that John P. Rana is the son of the petitioner.)**

Probate Code §2570 requires the Conservator to obtain prior court approval before investing money of the estate. There is nothing in the file to indicate the conservator obtained permission from the Court to invest money of the estate. - Declaration of Conservator filed on 11/30/11 states the promissory notes contained in the 2nd account were paid current, principal and interest included. All the notes were first trust deeds secured by real properties with sufficient equities. However, because the notes were of such a high rate of return (16% and 13% interest annum), the mortgagor was in danger of being unable to make further payments, which would have resulted in the requirement of the conservatorship to foreclose on the properties. To avoid foreclosure and subsequent costs incurred, and to avoid owning the properties, the conservator, through her husband who is a real estate investor, replaced these notes with other notes also secured by first trust deeds which are now paying at a more normal rate of return of 4%.

10. Property on hand schedule for this (the 3rd) accounting shows two promissory notes as follows:

- **\$95,000 secured by 1209 Coral Isle Way, Las Vegas, NV with interest at 4% per annum and an outstanding balance of \$95,000.00**
- **\$205,000 secured by 11464 Crimson Rock, Las Vegas, NV with interest at 4% per annum an outstanding balance of \$191,286.22.**

It appears that the promissory notes in the second account are not the same promissory notes in the third account. What happened to the promissory notes in the second account? Where they paid in full? Need clarification and need change in asset schedule. - Declaration of Conservator filed on 11/30/11 states the questions raised herein are addressed in the answer above. All principal and interest payments and current interest rates and principal balances are recorded on the Third Account and Report are accurate.

Please see additional page

Public Guardian's Objections to the Third Account and Report of Conservator and Petition for Fees was filed on 9/7/12. After reviewing the Account the Public Guardian objects as follow:

1. There are two utility bills paid every month within days of each other.
2. There is an extensive amount of supplies and food purchased for Ms. Parks and her care providers monthly.
3. Although Ms. Rana states that she uses the car (which is Ms. Parks' Jaguar) to transport her sister to outings, there is a van that is used to transport Ms. Parks. Why is the conservatee paying for two cars when she cannot drive?
4. There are many insurance payments made, but do not specify for why type of insurance. There are also large gaps as to when insurance payments are being made. They are not monthly or quarterly.
5. Two different pest control company bills are being paid.
6. There is a monthly cleaning bill. In the Public Guardian's experience, care providers do the cleaning while the person receiving the care is resting or not needing assistance. Furthermore, the cleaning company was coming twice a month, sometimes within 3 days of each other.
7. Charges were made to Charlotte Rouse clothing store, which caters to the 15 – 25 year old age group. The conservatee is older than 65.
8. Two monthly trash service bills are being paid each month.
9. In late 2008 there were two cable bills being paid each month.
10. There was \$4,460 paid for the installation of window fixtures on a home that the conservatee rents.
11. There was insurance with different medical companies. What was paid for as a co-pay or deductible? On 2/5/08, she paid "Insurance, med pay" (\$1,079.14), 04/17/08 – "Insurance" (\$1,132.00) but does not specify what insurance, listed Humana Health Insurance deductible (\$1,620.00 – 09/05/08), Health Net, Right Source Rx, and "A&A Insurance add on H.O. prem." (\$300.00) What is Medicare covering? Physical therapy should be covered under insurance if the doctor is prescribing it. Some insurance companies, whether primary or secondary to Medicare, should be picking up some of the expenses and visa-versa.
12. What is RC Wille Firmer So?? Purchased on 12/22/09?
13. Why were new lamps purchased on 12/22/09 for \$285.65?

Wherefore, the Public Guardian requests the Court deny Petitioner's third account as set forth.

Please see additional page

Second Supplemental Declaration of the former Conservator, Connie Rana filed on 10/3/12. Ms. Rana responds to the Public Guardian's Objections number 1-13 in sequence, as follows:

1. **Utilities** - There are two utility bills paid because there is a similar "barter" paid for the Conservatee's in-home care givers. The amounts paid are an "offset" or "barter" for the caregivers in exchange for their services. There is no personal benefit of any of these payments for the Conservator. The amounts are quite modest and do not cause harm or threat to the estate.
2. **Supplies and Food** - Some supplies and expenses are for the care providers, who are often there for 10 hours at a time and require meals. However, much of the expense is to buy the conservatee her adult diapers at \$50 per box, of which she wears at least 5 per day, plus other supplies such as lotions, shampoos, toothpaste, paper products as well as food.
3. **Vehicle** - The conservatee has two vehicles (and has had these throughout the conservatorship). The van is necessary to transport the conservatee, as she is wheelchair bound. She also likes to drive in her other vehicle, a Jaguar, which is paid for. The cost of maintaining the two vehicles is minimal compared to the convenience it provides. The Conservatee is proud of her Jaguar (which was almost new when she had her stroke) and she enjoys being in it. The Conservator and her family have extensive vehicles of their own and do not use the Conservatee's vehicles.
4. **Insurance** - The only insurance that is paid for on behalf of the conservatee is for the vehicles and for her renter's insurance. This is generally paid on a semi-annual basis.
5. **Pest Control** - Besides the monthly bill for the conservatee's residence, a second bill is often paid for for an in-home care provider as a "barter." These payments are included in the general costs to care for the Conservatee and have been previously reviewed and approved by this court including, on the Second Account and Report, which was approved on 7/14/11.
6. **House Cleaning** - The home is relatively large and has other persons (care providers) in it daily, in addition to the conservatee. Contrary to the Public Guardian's "experience" the care providers that Ms. Rana has hired do not do the cleaning and have not been hired to do so. All cleaning bills were for the benefit of the Conservatee.
7. **Charlotte Rouse** - The Conservator is informed that Charlotte Rouse has stores other than the "15-25 year old group" and also for "larger" women like the Conservatee. The only purchases at Charlotte Rouse would have been the Conservatee's nightgowns.
8. **and 9 Trash Services and Cable Bill** - These are the same "barter services" for care givers necessary to maintain 24 hour care for the Conservatee
10. **Window Fixtures** - New windows were necessary in the home for the comfort of the Conservatee.
11. **Insurance** - The only insurance available to the Conservatee, and of which she has been a member since she retired, is Humana Insurance. Humana is not part of the Medicare system; it is separate coverage and is excluded from Medicare.
12. **RC Willey** - Is a furniture store where the Conservator purchased a new and firmer sofa for the conservatee.
13. **New Lamps** - New lamps were necessary because the old ones in her bedroom broke.

The above expenditures are generally minimal and are necessary and convenient for the maintenance of the household and the care and comfort of the conservatee, who has been in Las Vegas for over 7 years and resides 24 hours per day in her residence.

Please see additional page

Ms. Rana states she has been appointed guardian of the person and estate of Darlene Parks in Clark County, Nevada. An Order for Emergency Release of Funds for Guardian to Pay Monthly Expenses from Blocked Accounts was filed on 8/15/12 in Clark County, Nevada. The order was prepared after Ms. Rana submitted a budget, through her attorney in Nevada, for funds to be removed from the blocked accounts for the care of the Conservatee. The budget was approved in the amount of \$8,460 per month. Ms. Rana states that she has approval from the Nevada Court, which now has jurisdiction over the person and estate of the conservatee of nearly the same expenses and budget that she has previously expended for the ongoing care of the conservatee.

Memorandum Re Third Account and Report of Conservatee filed by Connie Rana on 10/3/12. States she was appointed as conservator in 2003 because it was determined that Darlene [conservatee] was incapable of caring for herself or her financial matters as a result of a stroke. This condition has remained unchanged for nearly 9 years and Darlene receives the same 24 hour a day care she has had since her stroke. This court granted Ms. Rana's petition to move the Darlene to Nevada on 3/16/2005. Darlene has resided primarily in Nevada since that time. The Third Account has been submitted and is pending approval by this court subject to various questions by the probate examiners, the court and now the Public Guardian.

Petitioner contends that since the court granted permission for the conservatee to move to Nevada and a new proceeding is in effect in Nevada, California courts have no jurisdiction to order the "return" of the Conservatee to this state or to cancel the previous order by which the Conservatee was removed to Nevada. The Court's jurisdiction is now limited to Probate Code §2630. Without fully addressing this jurisdictional issue, there are no substantive reasons for this court not to approve the current Third Account and Report.

From review of the Probate Examiner's notes, and the Court's various comments, the primary concerns are that the Conservator failed to disclose, or failed to receive prior approval of certain transactions which may have been considered "self-dealing" by the court. These matters have been fully explained, and justified in the "Supplemental Declaration and Report of the Conservator." Primarily there has been no showing of harm or loss to the estate of the Conservatee. In fact, as the Third Account and Report shows, the investments provided higher than market value returns.

The Court and the examiners have had more than ample opportunity to review the "transactions" that they may have considered questionable. The fact that the examiners may have decided to "over analyze" every transaction, and point out to the court such *de minimis* matters as the payment of a caregiver's cell phone bill or gifts to the conservatee's great nephews does not create a breach of fiduciary duty.

Upon request by this court, the Public Guardian's office filed objections to the Third Account. The objections have been addressed by Ms. Rana in her Second Supplemental Declaration.

Under the above circumstances and law in this area, the Court is well within its authority in reviewing all transactions and actions by the conservator to approve such transactions which may have required prior court approval, as well as final approval of the Third Account. It should be noted that Ms. Rana is the conservatee's only sibling and closest relative. She has devoted herself for over 9 years to the care of her sister without compensation. She has provided 24 hour, 7 days a week care of her sister with the specific intent not to transfer her to a skilled nursing facility and has expended personal time and effort, well beyond that of any normal conservator's obligation, for her sister. If it is the position of the examiners and this court that, for example, the Conservatee should not be in a quality home owned by the conservator but should, instead, perhaps live next door in a house owned by some other person and pay the same or more rent, it would be the triumph of "procedure" over "substance" and would not provide any greater care or comfort to the conservatee.

(1) Fourth and Final Account and Report of Conservator and (2) Petition for Fees

Age: 77 years		CONNIE RANA , former Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/8/08 – 12/31/09	Note: Attorney Steven Shahbazian substituted out as attorney of record on 1/8/13
Cont. from 112912, 012513		Accounting - \$833,886.44	
Aff.Sub.Wit.		Beginning POH- \$496,754.10	Note: Petitioner, Connie Rana, was removed as Conservator of the Estate and the Public Guardian was appointed by Minute Order dated 6/18/12.
<input checked="" type="checkbox"/> Verified		Ending POH - \$278,000.80	
Inventory		Conservator - waives	1. According to the accounting the Conservatee rents the residence in which she resides from the Conservator. The monthly rent appears to be \$1,350.00 however the disbursement schedule shows that the rent was over paid by \$2,086.00.
PTC		Attorney - \$2,000.00 (per Local Rule)	
Not.Cred.		Current bond: \$800,000.00	
<input checked="" type="checkbox"/> Notice of Hrg		Petitioner prays for an Order:	
<input checked="" type="checkbox"/> Aff.Mail		3. Settling and allowing the fourth account and report and approving and confirming the acts of petitioner as filed;	
Aff.Pub.		4. Authorizing Petitioner to pay her attorney the sum of \$2,000.00 for ordinary legal services provided to the conservator and the estate during the period of the account.	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			Please see additional page
Objections			
Video Receipt			
CI Report			
9202			
<input checked="" type="checkbox"/> Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			Reviewed by: KT Reviewed on: 3/21/13 Updates: Recommendation: File 1B - Parks

2. Disbursement schedule includes payments to Costco for groceries and supplies that appear to be excessive. Court may require more information.

3/1/10 - \$324.65

3/1/10 - \$102.81 (why 2 separate charges on the same day totaling \$427.46?)

4/5/10 - \$104.58

4/5/10 - \$47.84 (why 2 separate charges on the same day totaling \$152.42?)

5/3/10 - \$201.06

5/3/10 - \$152.54 (why 2 separate charges on the same day totaling \$353.60?)

1/3/11 - \$274.11

1/3/11 - \$281.66

1/3/11 - \$168.30 (why 3 separate charges on the same day totaling \$724.07?)

7/5/11 - \$184.46

7/5/11 - \$301.66

7/5/11 - \$77.16 (why 3 separate charges on the same day totaling \$563.28?)

9/8/11 - \$440.69

9/8/11 - \$125.21

9/8/11 - \$247.72 (why 3 separate charges on the same day totaling \$813.62?)

10/3/11 - \$254.45

10/3/11 - \$378.23 (why 2 separate charges on the same day totaling \$632.68?)

11/2/11 - \$314.36

11/2/11 - \$47.68

11/2/11 - \$279.77 (why 3 separate charges on the same day totaling \$641.81?)

12/5/11 - \$106.68

12/5/11 - \$343.25

12/5/12 - \$12.46 (why 3 separate charges on the same day totaling \$426.39?)

1/3/12 - \$292.40

1/3/12 - \$48.33

1/3/12 - \$178.34 (why 3 separate charges on the same day totaling \$519.07?)

2/6/12 - \$158.21

2/6/12 - \$51.56

2/6/12 - \$139.24

2/6/12 - \$235.01 (why 4 separate charges on the same day Totaling \$584.02?)

4/3/12 - \$208.57

4/3/12 - \$206.63

4/3/12 - \$663.97 (why 3 separate charges on the same day totaling \$1,079.14?)

5/4/12 - \$657.89

5/4/12 - \$449.51 (why 2 separate charges on the same day totaling \$1,107.40?)

3. Disbursement schedule shows a payment of \$300.00 to Republic Trash on 9/12/11. This amount is much larger than the other payments to Republic Trash. Court may require clarification.
4. Disbursement includes entries that may require additional information.
 - 5/7/10 to Connie Rana for reimbursement for groceries in the amount of \$405.00.
 - 11/30/10 to Connie credit card on for Ft. Dr. Diapers in the amount of \$756.01.
 - 12/28/10 to Connie reimbursement expenses in the amount of \$301.60
 - 1/20/11 Home Health care cash paid out in the amount of \$500.00.
 - 1/25/11 Check cash and re-deposited in the amount of \$350.00
 - 2/17/11 Home care help – cash paid out in the amount of \$400.00
 - 4/13/11 Connie groceries card for Sandy in the amount of \$250.00
 - 3/29/11 Sandra Martin reimburse grocery and cards in the amount of \$372.40
 - 3/17/11 Home warranty on appliances in the amount of \$396.13 - Conservatee is a renter why would she be paying for the home warranty on appliances?
 - 8/23/11 Rano Final Accounting in the amount of \$1,234.00
 - 8/29/11 Furniture for vacant room in the amount of \$2,700.00. Why is a vacant room being furnished and why is this furniture not listed on the property on hand schedule as an asset of the conservatorship?
 - 8/30/11 Bedroom Chair to replace vacant in the amount of \$1,102.64. Why is this chair not listed on the property on hand schedule as an asset of the conservatorship?
 - 8/30/11 Sandra Martin severance pay in the amount of \$5,000.00
 - 8/31/11
 - RC Willey sofa - \$56.85
 - RC Willey Chair - \$102.75
 - RC Willey New home person care \$373.98
 - RC Willey reimbursement for furniture - \$1,180.45, again, why is this property not listed on the property on hand schedule as an asset of the conservatorship?
 - 9/6/11 Marshalls Firmer sofa - \$165.31
 - 9/6/11 RC Willey Sofa TV Chair - \$373.98. Why is this property not listed on the property on hand schedule as an asset of the conservatorship?
 - 4/23/12 – Walmart fans reimbursements - \$401.00

Please see additional page

Dept. 303, 9:00 a.m. Friday, March 29, 2013

5. Petition indicates the conservator is waiving her fees however the disbursement schedule appears to indicate the conservator has been paying herself a monthly salary without court order.

1/15/10 – Reimb Connie for sheets, rx, gas - \$500.00

4/19/10 - auto fuel reimbursement - \$400.00.

10/20/10 – reimburse for cas/oil/time & transport - \$500.00

12/20/11 - Dec Mgt fee/shopping/home care/gas/bills etc - \$500.00

1/25/12 – Transport/gas/home care/apt - \$500.00

2/28/12 – Transport/gas/shopping/home care/appts - \$500.00

3/30/12 – Transport/gas/shopping/home care/appts - \$500.00

4/30/12 – Transport/gas/shopping/home care/appts - \$500.00

5/29/12 – Transport/gas/shopping/home care/appts - \$500.00

6/18/12 – Transport/gas/shopping/home care/appts - \$500.00

Objections of the Public Guardian filed on 11/20/12 states the Public Guardian has reviewed the fourth and final account and has the following concerns:

1. Because of the lack of description, it is not possible to ascertain if the value given for the cars is accurate.
2. Furniture purchased on 8/29/11 for a vacant room. It does not seem that this expense should be borne by the conservatorship estate.
3. On 8/30/11, there was a severance payment made to one of the care providers in the amount of \$5,000.00. The Public Guardian has never paid severance to their care provider, nor has any care provider ever asked for one.

This is a case that was referred to the Public Guardian after the conservatee had already moved to Nevada. The Public Guardian's objections are based mostly on their regular practices and understanding of appropriate expenses. If the court determines that a surcharge is appropriate, the Public Guardian notes that she will seek fees for her and her attorney for the services they have provided to the Court in this matter.

1C Darleen Joyce Parks (CONS/PE)

Case No. 03CEPR01192

Atty Kruthers, Heather H (for Public Guardian/current conservator of the Estate)

Atty Rana, Connie Lynn (pro per former Conservator)

Status Hearing Re: Filing of Petition for Surcharge

Age: 77 years	PUBLIC GUARDIAN was appointed successor Conservator of the Estate minute order dated 6/18/2012.	NEEDS/PROBLEMS/COMMENTS:
Cont. from 012513	CONNIE RANA , former conservator was removed as conservator by minute order dated 6/18/2012.	
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	Minute order dated 11/29/12 set this status hearing and directed the Public Guardian to prepare a petition setting forth the appropriate information regarding surcharges.	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.	Report of Successor Conservator Re: Surcharge Judgment Against Former Conservator filed by the Public Guardian on 2/22/13. The report concludes that the Public Guardian cannot determine the exact amount Ms. Rana should be surcharged for the "barter" system used. However many of the questioned expenses had reasonable explanations, and the total amount of all Ms. Rana's potential offsets (\$48,619.00) is likely more than any surcharge amount.	
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order	If the Court agrees that there be no surcharge against Ms. Rana, the Public Guardian asserts that it can accept the former conservator's third and fourth/final accounts, but not approve or ratify them.	
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice	Public Guardian states she intends to seek this Court's approval of fees incurred by her and her attorney as a result of the appointment as successor conservator.	
		Reviewed by: KT
		Reviewed on: 3/21/13
		Updates:
		Recommendation:
		File 1C - Parks

1C

Probate Status Hearing Re: Failure to File Seventh Account

		<p>The 6th Account of BEVERLY MILLER, Mother and Trustee with bond of \$128,000.00 and accounts blocked, was settled on 6-22-11.</p> <p>The 6th Account covered through 12-31-10.</p> <p>On 2-5-13, the Court set this status hearing for failure to file the 7th account.</p> <p>Status Report filed by Attorney Denning (Unverified) states he is the attorney for MATTHEW MILLER, Successor Trustee.</p> <p>Mr. Miller has been unavailable from 1-25-13 to 3-15-13 while teaching at New York University. The attorney is informed that the trust's accountant will have the information necessary for him to prepare the final accounting by 4-1-13. The trustee will file his final accounting of the trust as soon as possible thereafter but no later than 5-15-13.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. A Nomination of Successor Trustee signed by Beverly Miller on 11-15-11 nominates Matthew Miller to serve as trustee without bond effective on her death or inability to serve. Matthew Miller accepted the nomination.</p> <p><u>However, Matthew Miller has not been appointed successor trustee by the Court pursuant to any petition or Probate Code, and bond cannot be waived by nomination.</u></p> <p>Examiner notes that Court records in the related conservatorship that the beneficiary Alison Miller has passed away, and it further appears that Beverly Miller <u>may have also</u> passed away based on a brief search of available Court records; <u>however, no information regarding these circumstances has been provided to the Court in this trust file.</u></p> <p><u>Therefore, need clarification and final account for periods 1-1-11 through date of death, and subsequent period pursuant to Probate Code §2620(b), or petition for appointment of Matthew Miller, or other petition under appropriate authority, with appropriate notice as required.</u></p>
Aff.Sub.Wit.			
Verified	X		
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: skc
Reviewed on: 3-20-13
Updates:
Recommendation:
File 2 - Miller

DOD: 12/24/09		INHERITANCE FUNDING COMPANY , interested party, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states:	<p><u>CONTINUED FROM 02/21/13</u> Minute order from 02/21/13 states: Mr. Schroeder is appearing via conference call. Mr. Garland informs the Court that all the money has been placed in accounts in the name of Stefanie Saylor as executor. He further informs the Court that he will be able to prepare the accounting once he receives the bank statements from Bank of America. Matter continued to 03/29/13. The Court orders that there be no further distributions or movement of the accounts without further order of the Court. Mr. Schroeder is directed to prepare an order regarding the bank issue.</p> <p>As of 03/20/13, nothing further has been filed in this matter.</p>
Cont. from 022113			
<input type="checkbox"/>	Aff.Sub.Wit.	<ol style="list-style-type: none"> 1. Stefanie Saylor was appointed Executor and Letters Testamentary were issued on 07/27/10. 2. Petitioner purchased a beneficial interest in the Estate of Stefanie Saylor. 3. Five assignments from Stefanie Saylor to IFC totaling \$116,200.000 have been filed in this matter. 4. The final Inventory & Appraisal was filed in this matter on 03/21/11 showing an estate value of \$330,087.76, but no accounting or status reports have been filed by the personal representative. 5. Pursuant to Probate Code § 12200 and 12202, Petitioner requests that Stefanie Saylor file either a Petition for Final Distribution or a Status Report regarding the administration of the estate. In the alternative, Petitioner seeks an Order citing Stefanie Saylor to appear before the court and show the condition of the estate and the reasons why the estate cannot be distributed and closed. 	
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail		w/
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order	Petitioner prays for an Order: <ol style="list-style-type: none"> 1. Citing Stefanie Saylor, the personal representative of the estate, to appear before the court and show the condition of the estate and the reasons why the estate cannot be distributed and closed. 	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF Reviewed on: 03/20/13 Updates: Recommendation: File 3 - DeGerolmo	

Atty Bagdasarian, Gary G. (for Petitioner Ronald J. Bryant, Conservator)

Atty Wright, Janet L. (Court-appointed for Conservatee)

First Account Current and Report of Conservator; Petition for Allowance of Conservator and Attorney's Fees; and for Reimbursement of Costs to Attorney (Probate code 2620, 2623 & 2640)

DOD: 1/31/2013		RONALD J. BRYANT , son and Conservator of the Person and Estate appointed 12/14/2011, is Petitioner. Account period: 12/14/2011 - 11/13/2012 Accounting - \$55,812.73 Beginning POH - \$37,600.00 Ending POH - \$51,617.35 (\$51,517.35 is cash) Conservator - \$139.50 (per itemizations on Exhibits A, B, C, D, E; for 9.30 hours @ \$15/hour) Attorney - \$17,125.00 (per Declaration filed 1/3/2013, itemized on Exhibits A, B, C, D, E; for 68.50 hours @ \$250/hour) Attorney Costs - \$1,385.00 (filing fees, publication for sale, process server) Petitioner states: <ul style="list-style-type: none">• Conservatee was a Defendant in an inter-pleader action (Case 10CECL12525) in which \$18,208.42 in undistributed surplus proceeds of a Trustee's sale were deposited with the Court, and following the Attorney's submission of a claim and attendance at hearing, the Court ordered after the judicial foreclosure that the surplus funds be distributed to the Conservatorship estate.• Conservatee inherited a ¼ interest in real property in Santa Maria, and following <i>Order Confirming Sale of Real Property</i> issued 9/25/2012, sale was consummated and proceeds of \$36,491.12 were deposited into the Conservatorship estate's blocked account. ~Please see additional page~	NEEDS/PROBLEMS/COMMENTS: Continued from 3/11/2013. Minute Order states the Court is informed that the Conservatee passed away. Matter continued to 3/29/2013. Counsel is directed to submit a declaration regarding the fees.
Cont. from 021113, 031113			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
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<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 3/20/13	
		Updates:	
		Recommendation:	
		File 4 – Bryant	

NEEDS/PROBLEMS/COMMENTS, continued:

Note: *Ex Parte Order for Withdrawal of Funds from Blocked Account* filed 2/22/2013 authorizes **\$3,215.36** to be withdrawn from the Conservatorship account for payment to Santa Maria Cemetery for burial expenses.

Note: *Notice to Director of Health Care Services* under Probate Code §§ 215 and 9202 was filed 2/25/2013.

Request to Terminate Visitation or to Order Supervised Agency Visits Only

Saede, 6		KENNETH ROBERTS and YOUNGAE ROBERTS , maternal grandparents and temporary guardians, are Petitioners) Father (Saede): MARCOS GALVAN Petitioner filed an Ex Parte Request to Terminate Visitation on 02/21/13. Order dated 02/22/13, set this matter for hearing. Petitioners allege that Saede's safety and well- being are being immediately threatened by her father Marcos Galvan during her visits with him and request that his visits be terminated, or in the alternative, be conducted at a supervising agency. The Current visitation schedule is every weekend from 6:00pm Friday to 9:00 am Sunday morning. Petitioners state that they have had ongoing serious concerns re the behavior of Mr. Galvan and have previously reported to the court about Mr. Galvan drinking and driving with Saede in the car and driving without a driver's license. Petitioners also state that they have concerns about Mr. Galvan's propensity to violence. During hearings, Mr. Galvan has represented to the court and the Petitioners that he had obtained a valid driver's license and would no longer drink and drive. Mr. Galvan did obtain a restricted driver's license, but Petitioners believe that it was suspended on 01/15/13 and despite this, Mr. Galvan has continued to tell the court investigator that he has a valid license. Petitioners do not believe that Mr. Galvan should be allowed to drive anywhere with Saede in the car. Continued on Page 2	NEEDS/PROBLEMS/COMMENTS: <u>CONTINUED FROM 03/07/13</u> Minute Order from 03/07/13 states: Matter continued to 03/29/13. Parties are ordered not to discuss this matter with the minors or indicated what they should or shouldn't do or say, nor indicate what could happen as a result thereof. In addition, the parties are ordered not to make any references to parentage around the children.
Jaeden, 4			
Cont. from 030713			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: JF Reviewed on: 03/20/13 Updates: Recommendation: File 5A – Galvan & Roberts	

On 02/17/13, following her visit with Mr. Galvan, Petitioner Kenneth Roberts asked Saede about her visit. Petitioner states that Saede said that Mr. Galvan told her he would "smack her harder than he had every smacked anyone" if she told Petitioners anything about her visit with him. Petitioner states that Saede was fearful telling Petitioner this information and is very afraid of Mr. Galvan. Saede stated that Mr. Galvan driver her in his car to a store where they sell beer, wine and cigarettes. Petitioners contacted the Fresno County Sheriff's and reported the incident. The report states that the deputy met with Saede and found her well-spoken, articulate and truthful. The report substantiates that Mr. Galvan threatens his daughter with physical violence if she tells anyone what he does, because it gets him in trouble with the judge. Saede doesn't understand how that can be if she is telling the truth. When coupled with Mr. Galvan's past behaviors, these new developments raise serious concerns. He has shown a willingness to threaten physical violence, a willingness to drink and drive with Saede in the car, and a willingness to drive without a valid driver's license. He has also shown a willingness to deceive the court and court investigator. Petitioner's believe that his past behavior coupled with the new threats against Saede make the status quo dangerous for her and request the immediate termination of visits between Marcos Galvan and Saede or in the alternative, that any future visits be supervised by a licensed organization that provides visiting services.

Points & Authorities in Support of Admission of Police Report into Evidence filed 03/18/13 states: Petitioners seek to have the police report described above admitted into evidence on the basis that the threat to Saede is relevant to the issues of visitation and the appointment of a guardian. Petitioners state that Saede's statements to the police officer are admissible non-hearsay. Further, her statements show her "state of mind" or "emotion" and therefore are admissible as exceptions to hearsay. Further, Evidence Code § 1280 provides that writings made as a record of an event, act or condition is not made inadmissible as hearsay provided the writing was made by and within the scope and duty of a public employee. Evidence Code § 1370 creates a hearsay exception for statements purporting to explain the infliction or threat of physical injury. The report of Saede's statements should be admitted. Saede reported a threat of harm to the officer. Inasmuch as the court has been reluctant to allow her to testify, Saede is unavailable as a witness. The statement to her was made during the weekend visit and reported the day she returned. The statement is trustworthy. The Court should note that Saede reported the same facts to Kenneth Roberts. Saede has also reported her father's drinking and driving to the Court Investigator and to Dr. Kathy Sullivan. Saede has a history of repeating similar statements about her father that tend to corroborate what she told the officer. In conclusion, the police report should be allowed into evidence, either as non-hearsay as to Saede's statements to the officer, or as exceptions to hearsay prohibition.

Petition of Beneficiary to Remove Successor Co-Trustees, Appoint Temporary Successor Trustee, and for Payment of Attorneys' Fees and Costs (Probate Code 15642, 16000, 16002, 16003, 16004, 16006, 16007, 16009, 16060, 16062, 17200, 17206)

Frank K. Ishii DOD: 11-10-93		GERALD ISHII, Beneficiary and Co-Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
Lily Y. Ishii DOD: 3-7-05			
Cont. from 070212, 072712, 083112, 092712, 112612, 011413, 022513		<p>Petitioner states he and LESLIE ISHII (Respondent) were named successor co-trustees of the ISHII FAMILY TRUST DATED 3-3-92 (the "Trust"). The Trust consisted of interests in 8 parcels of real property, stocks, bonds, securities, cash, and other assets in Prudential-Bache Securities, and 300 shares of common stock in Frank K. Ishii & Sons, Inc., a California corporation owned by the Settlor.</p> <p>At the death of Frank K. Ishii on 11-10-93, two irrevocable and one revocable sub-trusts were created:</p> <ul style="list-style-type: none"> The FRANK K. ISHII TRUST The ISHII FAMILY MARITAL DEDUCTION TRUST The ISHII FAMILY SUVIVOR'S TRUST (revocable) <p>On 3-15-95, Lily Ishii, individually and as Trustee of the Trust, assigned a 36.44% interest to the FRANK K. ISHII TRUST, a 13.56% interest to the ISHII FAMILY MARITAL DEDUCTION TRUST, and a 50% interest to the ISHII FAMILY SUVIVOR'S TRUST of the assets listed on Exhibit F, including accrued rent payable from the corporation of \$105,548 as of 11-10-93, a receivable due from the corporation of \$26,089 as of 11-10-93, and a proprietorship known as Lily's Hair Stylists consisting of furniture and fixtures, cash, supplies, inventory and goodwill.</p> <p>Lily Ishii died on 3-7-05 and he and LESLIE ISHII (Respondent) became Co-Trustees.</p> <p>Pursuant to Section 5.02 of the Trust, the three sub-trusts were to be combined on the death of the surviving settlor and certain distribution was to occur:</p> <ul style="list-style-type: none"> \$75,000.00 to Sharon J. Shoji (daughter) One-half of the remaining balance to Gerald One-half of the remaining balance to Leslie 	<p>Continued from 7-2-12, 7-27-12, 8-31-12, 9-27-12, 11-26-12, 1-14-13, 2-25-13</p> <p>Status Report filed 1-7-13 by Attorney Fanucchi states further continuance is needed. Gerald Ishii maintains his brother Leslie is wasting the vineyard known as Candy Ranch by inappropriately pruning, tying, tilling, chemical control, and irrigating control which has diminished the value of the realty.</p> <p>Status Report filed 1-9-13 by Attorney Burnside states inquiry has been made to Les' accountant Jim Horn whether he has any documents in his possession regarding the expenses Les incurred to operate the Candy Ranch, but Mr. Horn has been unable to review his files due to his year-end workload. Counsel will follow up this week.</p> <p>Status Report filed 2-19-13 by Attorney Fanucchi states Gerald Ishii is unable to accept or reject what has been presented to date and has forwarded information to his accountant. Further continuance is needed.</p> <p>Status Report filed 2-19-13 by Attorney Burnside states the accountants had to reschedule their meeting and further continuance is needed.</p>
Aff.Sub.Wit.			
✓ Verified			
Inventory			
PTC			
Not.Cred.			
✓ Notice of Hrg			
✓ Aff.Mail	W		
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order	X		
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

SEE PAGE 2

PAGE 2

As to the corporation: Petitioner and Leslie each hold 300 shares individually and the Trust holds 300 shares. Petitioner and Leslie as individuals and as Co-Trustees may vote an equal number of shares, but have been in a deadlock as to the operation of the corporation since approx. 2007. As such, the corporation's status has become suspended with many tax liabilities remaining outstanding, which continues to decrease the value of the corporation.

A meeting of the directors of the corporation was noticed on 6-3-10 by Gerald, who is secretary; however, the meeting did not occur because Leslie found the principal place of business of the corporation to be an inconvenient meeting location, although it is approx. one mile from her home. No meetings have occurred since. Because the corporation is one-third owned by the trust, the deadlock between the Co-Trustees is impairing the administration of the Trust and causing trust assets to lose value.

Petitioner requests that the Court remove both Co-Trustees of the Trust and subtrusts because due to hostility and lack of cooperation among Co-Trustees, administration of the Trust and sub-trusts continue to be impaired and trust assets neglected. Probate Code §§ 15642(a)(3), 17200(b)(10). The Trust does not appoint a successor trustee in the event of removal; rather, it provides only the manner of successor appointments should one of the two become unable to perform. Petitioner requests appointment of **BRUCK BICKEL** as Successor Trustee with compensation to be approved by the Court. Mr. Bickel consents to act. Petitioner requests appointment without bond for one year to allow the corporate affairs to be brought to order, with authority to apply for an extension by Mr. Bickel should the corporate affairs remain unresolved and the Trust assets undistributed. Petitioner believes this appointment is in the best interests of the Trust and sub-trusts, and those persons interested in the Trust estate.

Petitioner requests that:

- 1. The Court temporarily and partially remove Gerald Ishii and Leslie Ishii as Co-Trustees of the ISHII FAMILY TRUST DATED 3-3-92;**
- 2. The Court appoint Bruce Bickel as temporary Successor Trustee to serve without bond for a period of one year, with the ability of Mr. Bickel to petition the Court for additional time should the corporate affairs remain deadlocked;**
- 3. The Court award reasonable compensation to the temporary Successor Trustee;**
- 4. The Co-Trustees to deliver the Trust assets to the temporary Successor Trustee within 30 days after issuance of an Order;**
- 5. The Court order Leslie Ishii to file an accounting with the Court detailing their respective acts as Co-Trustees no later than four weeks after the Court makes its order;**
- 6. The Court order Petitioner's attorneys' fees in the amount of \$1,000.00 and costs advanced to be paid to such attorneys directly from the Trust, to be charged 100% to income, and paid within 10 days after the Court makes its order; and**
- 7. Such further orders as the Court deems proper.**

SEE PAGE 3

PAGE 2

Objection of LESLIE ISHII states this probate proceeding is not the proper forum or vehicle to resolve such corporate issues. This lawsuit is premature at best and legally inapposite to the issues it proposes to resolve at worst. The corporation is deadlocked; however, the instant petition filed as a trust proceeding does not request any form of relief that will serve to end the shareholders' deadlock and restore the corporation to operational status. Specifically, the appointment of a neutral third party trustee will not resolve any issues with regard to the operation of the corporation. While a trustee may have the right to vote shares of stock held in trust, a trustee's paramount duty is to distribute trust property pursuant to the terms of the trust instrument. Here, the trust instrument requires the residue be distributed one-half each to Petitioner and Respondent. If a neutral third party trustee is appointed, he will be obligated to distribute the shares held in trust accordingly, not to vote the shares, and, in effect run the business of the corporation.

Respondent has no objection to the immediate equal distribution of the shares of the corporation currently held in trust. In the likely event that said distribution does not resolve the deadlock, however, Petitioner's only recourse will be to file a lawsuit for involuntary dissolution in the unlimited civil department of the Superior Court.

Respondent requests that the Court issue an order requiring the Co-Trustees to immediately distribute 150 shares of Frank K. Ishii & Sons, Inc., each to Petitioner and Respondent, and for reasonable attorneys' fees and costs incurred herein.

Alternatively, Respondent requests the Court issue an order removing Petitioner and Respondent as Co-Trustees, but only as to their fiduciary ownership of the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; appointing Bruce Bickel as temporary successor trustee without bond solely for the purpose of administering the Trust's 300 shares of Frank K. Ishii & Sons, Inc.; authorizing Mr. Bickel to petition to continue to serve should it be in the best interests of the beneficiaries or the affairs of the corporation that he remain in such role; awarding reasonable compensation to the temporary Successor Trustee; requiring the Co-Trustees to deliver the shares of Frank K. Ishii & Sons, Inc., to the temporary Successor Trustee by a date certain; for reasonable attorneys' fees and costs incurred herein; and for any and all other relief the Court deems just and proper.

Frank K. Ishii DOD: 11-10-93		GERALD ISHII, Beneficiary and Co-Trustee, filed the petition at Page 6A on 5-17-12.	NEEDS/PROBLEMS/COMMENTS:
Lily Y. Ishii DOD: 3-7-05			
		LESLIE ISHII, Beneficiary and Co-Trustee, filed an objection on 6-21-12.	<u>Note:</u> See Page 6A for details of the petition and file to date.
		Hearings have been continued since 7-2-12 (8 total, including this hearing).	
	Aff.Sub.Wit.	At the last hearing on 2-25-13, counsel requested continuance and in addition to continuing the petition at 6A, the Court set this additional status hearing.	
	Verified		
	Inventory	As of 3-20-13, nothing further has been filed.	
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
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	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		Reviewed by: skc
	Status Rpt		Reviewed on: 3-20-13
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		File 6B - Ishii

Atty Donaldson, Larry A. (for Larry A. Donaldson – Executor)

Atty Leonard, Laura (pro per – daughter)

Probate Status Hearing Re: Failure to File First Account or Petition for Final Distribution

DOD: 06/22/07		LARRY A. DONALDSON , friend, was appointed as Executor without bond on 05/27/08 and Letters were issued on 06/18/08.	NEEDS/PROBLEMS/COMMENTS:
		No Inventory & Appraisal has been filed.	CONTINUED FROM 01/25/13 Per Mr. Donaldson's request.
Cont. from 012513		Notice of Status Hearing filed 11/28/12 set this matter for status. Clerk's Certificate of Mailing states that the Notice of Status Hearing was mailed to Larry A. Donaldson on 10/19/12.	As of 03/20/13, nothing further has been filed and the following remains outstanding:
	Aff.Sub.Wit.		
✓	Verified	Declaration of Beneficiary Laura Leonard re Probate Status Hearing – Failure to File First Account or Petition for Final Distribution filed 01/13/11 states: she and her brother (both beneficiaries of the estate) have made many written and verbal requests to Mr. Donaldson requesting an accounting and for their father's estate be brought to a close. Ms. Leonard states that Mr. Donaldson has ignored their requests and repeatedly failed to communicate with them regarding the estate. Ms. Leonard and her brother had an attorney, Frederick Borges, contact Mr. Donaldson on their behalf to request that he move forward with the estate. Mr. Donaldson responded that he would move forward, but has failed to do so. Ms. Leonard states that she and her brother have also made a complaint to the state bar of California regarding Mr. Donaldson's failure to act. Ms. Leonard states that after all of these efforts, Mr. Donaldson recently provided them with a sloppy, incomplete "accounting", however several years' worth of information is absent and many of the transactions are questionable. Declarant further states that she and her brother were supposed to receive a distribution in early January, but have not received anything.	<ol style="list-style-type: none"> 1. Need Inventory & Appraisal. 2. Need Accounting and/or Petition for Final Distribution.
	Inventory		
	PTC	Note: The Notice of Status Hearing mailed to Mr. Donaldson on 10/19/12 was returned as undeliverable. The Notice was mailed to Mr. Donaldson at a new address on 01/18/13.	
	Not.Cred.		
	Notice of Hrg	Reviewed by: JF	
	Aff.Mail		
	Aff.Pub.	Reviewed on: 03/20/13	
	Sp.Ntc.		
	Pers.Serv.	Updates:	
	Conf. Screen		
	Letters	Recommendation:	
	Duties/Supp		
	Objections	File 8 - Wallace	
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

DOD: 1/8/2009		<p>JAMES L. ELDER was appointed Executor with Full IAEA without bond and Letters issued on 3-3-09.</p> <p>Final Inventory and Appraisal filed 2-22-11 reflects a total estate value of \$205,337.78, including \$66,337.78 cash and real property in Fresno and Tulare Counties.</p> <p>MANUEL N. VIERRA, former attorney for Executor James L. Elder petitioned the court to be relieved as counsel. On 12/11/12 the court granted attorney Vierra's request and set a status hearing for the possible removal of the executor for failure to proceed timely with the estate.</p> <p>Minute Order dated 1/15/13 states disclosure given by the Court regarding Fresno State University. Mr. Elder informs the Court that he has been unable to obtain counsel. The court accepts James Elder's resignation and appoints the Public Administrator.</p> <p>Letters issued to the Public Administrator on 1/31/13.</p> <p><u>Note:</u> Decedent's will dated 12-10-08 devises specific personal property items to various charities and/or organizations, and devises the residue of the estate to the Fresno State University Foundation.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Need current written status report pursuant to Local Rule 7.5B which states in all matter set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
Cont. from 030113			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		<p>Reviewed by: KT</p> <p>Reviewed on: 3/21/13</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 9 - Jaquay</p>	

Atty Roberts, Greg

Petition to Compel Turnover of the Betty Ruth Cozby Trust Pursuant to Probate Code Section 16061.5 and for Damages and Attorney's Fees Pursuant to Probate Code Section 16061.9

			JANICE POTTER is Petitioner.	NEEDS/PROBLEMS/ COMMENTS: This matter is set to be heard at 10:00 a.m. Continued from 2/22/13. Minute order states Robert Campbell appears via Court Call. If the accounting is not filed by 3/29/13 the court will rule on Mr. Campbell's motion for removal of Trustee. As of 3/21/13 the following issue remains: 1. Need Order.
			Petitioner states she is an heir at law, and believes she is a beneficiary of the Betty Ruth Cozby Trust.	
			Betty Ruth Cozby died in April 2011.	
Cont. from 022912, 040412, 060412, 081312, 100412, 111512, 010413, 021513, 022213			Betty Cozby was unmarried and did not have children, and her parents and siblings predeceased her. Petitioner is a niece of Betty Cozby and heir at law under applicable Probate Code intestacy statutes.	
	Aff.Sub.Wit.		Petitioner believes Betty Cozby's friend, Edward D. Reimer, is the named successor Trustee of the Betty Ruth Cozby Trust.	
✓	Verified		Upon the death of Ruth Cozby the Trust became irrevocable. Petitioner states she requested orally, and then more formally, through counsel, a copy of the Trust. The formal request was made on 8/17/2011. No response has been received to the request.	
	Inventory		Probate Code §16061.5 provides that a trustee has a duty to provide a true and complete copy of the terms of an irrevocable trust, or irrevocable portion of a trust, to any beneficiary who requests it, and to any heir of a deceased settlor who requests it.	
	PTC		Wherefore, Petitioner seeks relief as follows:	
	Not.Cred.		1. For an Order compelling Edward D. Reimer to provide full and complete copies of the Betty Ruth Cozby trust, including any applicable schedules and amendments, if any;	
✓	Notice of Hrg		2. For an Order compelling turnover of relevant information on the administration of assets of the Trust pursuant to Probate Code section 16061;	
✓	Aff.Mail	W/	3. That Edward D. Reimer be ordered to personally pay Petitioner's attorney's fees and costs in filing and prosecuting this petition.	
	Aff.Pub.		Statement of Assets Held in The Betty Cozby Living Trust filed by Edward D. Reimer and Ola May Langley on 6/4/12.	
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order	X		
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: KT
				Reviewed on: 3/21/13
				Updates:
				Recommendation:
				File 1A - Cozby

1B Betty Ruth Cozby Revocable (Trust)
Atty Campbell, Robert N (for Petitioner Janice Potter)
Atty Gilmore, David M. (for Edward D. Reimer and Ola Mae Langley)

Case No. 12CEPR00087

Status Re: Accounting

		<p>JANICE POTTER filed a Petition to Compel Turnover of the Betty Ruth Cozby Trust and for Damages and Attorney's Fees. The matter was heard on 4/4/12 and continued to 6/4/12.</p> <p>At the hearing on 6/4/12 the court set a status hearing for the filing of the accounting.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>This matter is set to be heard at 10:00 a.m.</p> <p>Continued from 2/22/13. Minute order states Robert Campbell appears via Court Call. If the accounting is not filed by 3/29/13 the court will rule on Mr. Campbell's motion for removal of Trustee. As of 3/21/13 the accounting has not been filed.</p> <p>1. Need Accounting or current written status report pursuant to Local Rule 7.5 which states in all matter set for Status Hearing (unless accounting has been filed) verified Status Reports must be filed no later than ten (10) days before the hearing and shall be served on all interested parties.</p>
Cont. from 081312, 100412, 111512, 010413, 021513, 022213			
Aff.Sub.Wit.			
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Notice of Hrg			
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Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
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Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: KT	
		Reviewed on: 3/21/13	
		Updates:	
		Recommendation:	
		File 1B – Cozby	

1B

Status Hearing Re: Filing of the Inventory and Appraisal

DOD: 7-9-10		<p>MARY M. DAVIS was appointed Executor with Full IAEA without bond on 10-18-10.</p> <p>Two <u>Partial</u> Inventory and Appraisal documents have been filed on 1-24-13 and 2-13-13.</p> <p>At hearing on 3-8-13, the Court set a Settlement Conference for 5-13-13 regarding a petition for removal of Ms. Davis as Executor, and also set this status hearing for the filing of the <u>Final</u> Inventory and Appraisal.</p> <p>Declaration of Michael Farley filed 3-13-13 states this hearing may have been set erroneously, as his previous report indicated that the Final Inventory and Appraisal would be submitted to the <u>Probate Referee</u> within two weeks, not <u>filed</u> within two weeks. As explained in the Second Report, those activities necessary to obtain an appraisal by the Probate Referee of the Decedent's interest in Whitney Oaks Dairy (the "Partnership") have commenced and information has been provided to the Probate Referee. Attached is a <u>draft</u> list of potential partnership assets that will be used for valuation.</p> <p>Attorney Farley states although every reasonable effort has been made to comply with the Court's order requiring Final I&A by 3-29-13, he is not certain it can be accomplished given the parameters of the appraisal sought from the Probate Referee.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>1. Status report is not verified by the fiduciary. Probate Code §§ 1021, 1023, Local Rule 7.5.</p> <p>2. Need Final I&A.</p>
Aff.Sub.Wit.			
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Objections			
Video Receipt			
CI Report			
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Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Age: 19	DEBRA PASLEY , Mother, was appointed Conservator of the Person and Estate per Minute Order 2-1-13 with bond of \$15,000.00, order to be signed ex parte. Also at the hearing on 2-1-13, the Court set this status hearing for the filing of the bond. Note: Order filed 3-5-13, Letters not yet issued.	NEEDS/PROBLEMS/COMMENTS: <u>Continued from 3-1-13</u> 1. Need bond of \$15,000.00.
DOB: 4-23-93		
Cont. from 030113		
Aff.Sub.Wit.		
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CI Report		
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Aff. Posting		
Status Rpt		
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Citation		
FTB Notice		
	Reviewed by: skc	
	Reviewed on: 2-25-13	
	Updates:	
	Recommendation:	
	File 13 - Pasley	

Pro Per Lee, Blia (Pro Per Guardian of the Estate)

Status Hearing Re: Filing of the Inventory and Appraisal

Age: 17 years		BLIA LEE , mother, was appointed Guardian of the Estate on 10/10/2012, for the purpose of receiving assets on behalf of the minor, who is the beneficiary of his deceased father's life insurance policy valued at \$25,000.00 .	NEEDS/PROBLEMS/COMMENTS:
Cont. from 020813, 030813		Minute Order dated 10/10/2012 from the hearing on the appointment ordered the money to be placed in a blocked account, and set this status hearing on 2/8/2013 for filing of the inventory and appraisal.	Continued from 3/8/2013. Minute Order states Tracy Vang is sworn and interprets for Ms. Lee. Examiner notes are provided to Ms. Lee. The Court directs Ms. Lee to cure the defects.
Aff.Sub.Wit.		Receipt and Acknowledgment of Order for the Deposit of Money into Blocked Account filed 11/19/2012 shows an account balance of \$25,106.07 .	The following issue remains:
Verified			
Inventory	X	Final Inventory and Appraisal filed 1/23/2013 shows an estate value of \$0.00 .	1. <i>Final Inventory and Appraisal</i> filed on 1/23/2013 is incomplete, as no assets are stated on <i>Attachment 1</i> or <i>Attachment 2</i> of the appraisal form, and Item 1 on Page 1 of the form indicates an estate value of zero. Need corrected <i>Final Inventory and Appraisal</i> including a completed <i>Attachment 1</i> pursuant to Probate Code § 2610.
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Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202 Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: LEG
			Reviewed on: 3/20/2013
			Updates:
			Recommendation:
			File 14 - Vang